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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,513	02/16/2001	Robert A. Rider	3191E-000019	5363
27572	7590	10/27/2003	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C.			LAU, TUNG S	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	

2863

DATE MAILED: 10/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/785,513

Applicant(s)

RIDER, ROBERT A.

Examiner

Tung S Lau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 2, 3, 6-12, 15, 18, 19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-12, 18 and 19 is/are rejected.
- 7) ☒ Claim(s) 15 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 10, 11, 12, 18, 19 are rejected under 35 U.S.C. 102(a) as being anticipated by Yao et al. (U.S. Patent 6,097,176).

Regarding claim 10:

Yao discloses a battery management system for managing a battery pack of an electric or hybrid vehicle, the battery pack including a plurality of batteries, including a first interface component in electrical communication with the battery pack for receiving a first parameter of each battery in the battery pack (fig. 1-3 Col. 2-3, Lines 45-65), a second interface component in selective electrical communication with the first interface component (fig. 1-3 Col. 2-3, Lines 45-65); a processor in electrical communication with the second interface component (fig. 8-13), the circuit measuring the first parameter of one of the batteries in the battery pack, determining an average of first parameter values of the remaining batteries in the battery pack, the average first parameter for remaining batteries changing depending on which battery of the battery pack is being tested at a given instant. and comparing the measured first parameter value to the average

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to obtain a result (fig. 1-3, Col. 3-4, Lines 5-35, (Col. 11, Lines 21-30); an output device for signaling an operator if the result is outside given range, else a memory storing the result (fig. 7, 8, Col. 2-3, Lines 45-65).

Regarding claims 11, 12, 18, 19 :

Yao discloses the first parameter is battery conductance, impedance (Col. 4, Lines 30-35), works in network communication with computer (Col. 2, Lines 13-25).

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

a. Claims 1, 2, 3, 6, 7, 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yao et al. (U.S. Patent 6,097,176) in view of Bullock et al. (U.S. Patent 5,623,195).

Regarding claim 1:

Yao discloses a method for testing a battery pack of an electric or hybrid vehicle, the battery pack having a plurality of batteries including measuring a first parameter of a battery in the battery pack (Col. 2-3, Lines 45-65); determining

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an average of first parameter values of the remaining batteries in the battery pack (Col. 11, Lines 21-30), the average first parameter value for remaining batteries changing depending on which battery of the battery pack is being tested at a given instant (Col. 11, Lines 21-30); Comparing the measured first parameter value to the average to obtain a result (Col. 2, Lines 26-35); storing the result of the comparison (Col. 2, Lines 26-35); the measuring, determining, Comparing and outputting or storing repeated until each battery the battery pack has been tested (Col. 2, Lines 13-25).

Regarding claim 2, 3, 9:

Yao discloses the first parameter is battery conductance, impedance (Col. 4, Lines 30-35); use of a display screen (fig 7-9).

Yao does not disclose the use of an alert signal, audible signal, visual signal, a light, to signal the operator, Bullock disclose the use of an alert signal, audible signal, visual signal, a light in order to alert the maintenance staff for proper action (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yao to have the use of an alert signal taught by Bullock in order to alert the maintenance staff for proper action (abstract).

***Claim Rejections - 35 USC § 102***

3. Claim 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach the use of touch screen.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 703-305-3309.


The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 703-308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-5841 for regular communications and 703-308-5841 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

TC2800 FAX Telephone Numbers: 703-872-9306

TC2800 Customer Service FAX - (703) 872-9317

  
John Barlow  
Supervisory Patent Examiner  
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